

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTEGRATED HEALTH SERVICES OF
CLIFF MANOR, INC., INTEGRATED
HEALTH SERVICES AT RIVERBEND,
INTEGRATED HEALTH SERVICES AT
SOMERSET VALLEY, INC., ALPINE
MANOR, INC., BRIARCLIFF NURSING
HOME, INC., INTEGRATED HEALTH
GROUP, INC., SPRING CREEK OF IHS,
INC., FIRELANDS OF IHS, INC., ELM
CREEK OF IHS, INC., and IHS LONG TERM
CARE SERVICES, INC.,

Plaintiffs,

v.

THCI COMPANY LLC,

Defendant,

v.

ABE BRIARWOOD CORPORATION and
JOHN DOES 1-10,

Additional Counterclaim
Defendants.

Civil Action No. 04-910 (GMS)

**DEFENDANT'S RESPONSE
TO PLAINTIFFS' MOTION TO AMEND SCHEDULING ORDER**

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DATED: August 8, 2006

*Attorneys for Defendant
THCI Company LLC*

THCI Company LLC (“THCI”) submits this opposition to the Motion to Amend Scheduling Order filed by plaintiff IHS Long Term Care Services, Inc. (“LTC”), the nine other plaintiffs who are subsidiaries of LTC (the “Nine Subsidiaries”), and additional counterclaim defendant ABE Briarwood Corporation (“Briarwood” and collectively with LTC and the Nine Subsidiaries, “Plaintiffs”).

During teleconferences on January 13, 2006, and February 28, 2006, the Court directed that discovery proceed in this case notwithstanding Plaintiffs’ argument that such discovery was premature. *See* Docket Nos. 119 (1/13/06 Hearing Transcript at 17-18) and 139 (2/28/06 Hearing Transcript at 15). On February 28, 2006, the Court advised Plaintiffs that they should not raise discovery disputes with the court until “after a full meet-and-confer, or several, however many it takes to come to be sure that [the parties] are truly at an impasse.” Docket No. 139 (2/28/06 Hearing Transcript at 19-20). The Court further advised Plaintiffs that if the parties were, in fact, at an impasse, Plaintiffs should call chambers and request a teleconference. *Id.* at 20. Finally, the Court advised Plaintiffs that they did not have “leave to freely file [discovery] motions.” *Id.*; *see also* Honorable Gregory M. Sleet’s Discovery Dispute Resolution Rule at www.ded.uscourts.gov/GMSdiscovery-1.htm.

Despite the Court’s instruction, Plaintiffs immediately filed one discovery motion (Docket No. 133 – Motion to Quash) and now have filed a motion seeking to stay discovery. Plaintiffs have shown no regard for the Court’s Rules, and their motion can and should be denied on that basis alone. To the extent the Court requires a substantive response to Plaintiffs’ motion, THCI will file such a response at this Court’s request in accordance with the Court’s procedures.

CONCLUSION

THCI respectfully requests that Plaintiffs' Motion to Amend Scheduling Order be denied.

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CERTIFICATE OF SERVICE

I certify that on August 8, 2006, copies of THCI's Opposition to Plaintiffs' Motion to Amend Scheduling Order were delivered by electronic service to counsel of record as follows:

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